



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III

841 Chestnut Building  
Philadelphia, Pennsylvania 19107

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

AUG 4 1987

In Reply Refer to: 3HW14

Richard Beldner  
Diversified Industries, Inc.  
101 South Hanley Road, Suite 1450  
Clayton, Missouri 63105

Re: Unilateral Order to Diversified Industries, Inc.

Dear Mr. Beldner:

Enclosed is a Unilateral Order executed in accordance with Section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. Section 9606(a), concerning hazardous substances at the Eastern Diversified Metals Site.

Any questions or comments regarding this Order may be addressed to either Kathleen Siftar, Compliance Officer at 597-6687 or Lawrence Falkin, Assistant Regional Counsel at 597-8981. If you intend to comply with the terms of this Order, please sign the enclosed Order and return to:

U.S. Environmental Protection Agency  
Kathleen Siftar (3HW14)  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107

Sincerely,

  
Stephen R. Wassersug, Director  
Hazardous Waste Management Division

cc: Benjamin G. Stonelake, Esquire

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

841 Chestnut Building  
Philadelphia, Pennsylvania 19107

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

AUG 4 1987

In Reply Refer To: 3HW14

Mr. Don Becker  
Pennsylvania Department of  
Environmental Resources  
Bureau of Solid Waste Management  
P.O. Box 2063  
Harrisburg, Pennsylvania 17120


Re: Eastern Diversified Metals Site

Dear Mr. Becker:

Enclosed for your information is a copy of the Unilateral Order to Diversified Industries, Inc. and Theodore Sall, Inc. pursuant to Section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. § 9606(a).

Any questions or comments regarding this Order may be addressed to either Kathleen Siftar, Compliance Officer at 597-6687 or Lawrence Falkin, Assistant Regional Counsel at 597-8981.

Sincerely,

  
Stephen R. Wassersug, Director  
Hazardous Waste Management Division

AR400023



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

841 Chestnut Building  
Philadelphia, Pennsylvania 19107

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

AUG 4 1987

In Reply Refer To: 3HW14

Mr. Gary Shaffer  
Pennsylvania Department of Environmental Resources  
101 Claude A Lord Boulevard  
Pottstown, PA 17901

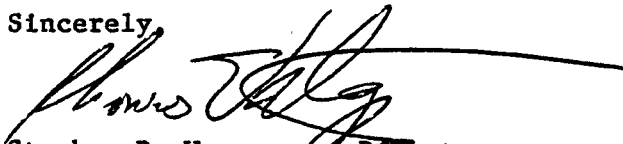
Re: Eastern Diversified Metals Site

Dear Mr. Shaffer:

Enclosed for your information is a copy of the Unilateral Order to Diversified Industries, Inc. and Theodore Sall, Inc. pursuant to Section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. § 9606(a).

Any questions or comments regarding this Order may be addressed to either Kathleen Siftar, Compliance Officer at 597-6687 or Lawrence Falkin, Assistant Regional Counsel at 597-8981.

Sincerely,



Stephen R. Wassersug, Director  
Hazardous Waste Management Division

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

AUG 4

In Reply Refer to: 3HW14

Leo Paradowski, Consultant  
Diversified Industries, Inc.  
101 South Hanley Road, Suite 1450  
Clayton, Missouri 63105

Re: Unilateral Order to Theodore Sall, Inc.

Dear Mr. Paradowski:

Enclosed is a Unilateral Order executed in accordance with Section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. Section 9606(a), concerning hazardous substances at the Eastern Diversified Metals Site.

Any questions or comments regarding this Order may be addressed to either Kathleen Siftar, Compliance Officer at 597-6687 or Lawrence Falkin, Assistant Regional Counsel at 597-8981. If you intend to comply with the terms of this Order, please sign the enclosed Order and return to:

U.S. Environmental Protection Agency  
Kathleen Siftar (3HW14)  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107

Sincerely,

  
Stephen R. Wassersug, Director  
Hazardous Waste Management Division

cc: Benjamin G. Stonelake, Esquire

AR400025

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III

IN THE MATTER OF:

EASTERN DIVERSIFIED METALS SITE  
Hometown, Pennsylvania

DIVERSIFIED INDUSTRIES, INC.  
and

THEODORE SALL, INC.

Respondents

Proceeding Under Section 106(a) of the  
Comprehensive Environmental Response  
Compensation, and Liability Act of  
1980, as amended, 42 U.S.C. § 9601,  
et seq.

Docket No. III-87-23-DC

ADMINISTRATIVE ORDER

I. JURISDICTION

This Order is issued pursuant to the authority vested in the President of the United States by Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, (CERCLA), 42 U.S.C. § 9606(a), as amended by the Superfund Amendments and Reauthorization Act (SARA), Public Law No. 99-499, 100 Stat. 1613, (October 17, 1986), and delegated to the Administrator of the United States Environmental Protection Agency (EPA) by Executive Order 12580, 52 Fed. Reg. 2923 (January 23, 1987), and further delegated to the Regional Administrators of EPA by EPA Interim Delegation No. 14-14-B (February 26, 1987).

This Order is issued to Diversified Industries, Inc. and Theodore Sall, Inc., hereinafter collectively referred to as the Respondents.

This Order shall apply to and be binding upon the Respondents and their agents, successors and assigns and upon all persons, contractors, and consultants acting for the Respondents.

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## II. STATEMENT OF PURPOSE

In issuing this Order, the objective of the EPA is to restrict access to the Eastern Diversified Metals Site (Site).

## III. EPA'S FINDINGS OF FACT

The following constitutes an outline of the facts upon which this Order is based:

A. The Eastern Diversified Metals Site is a 25 acre property located 1,000 feet west of Lincoln Avenue in Hometown, Rush Township, Schuylkill County, Pennsylvania (See Exhibit 1).

B. The Site was active as a wire recycling plant from 1966 to 1977. The Eastern Diversified Metals Corporation operated and owned the facility throughout this period.

C. Theodore Sall, Inc. purchased the Site property in 1977 and is the current owner and operator.

D. Diversified Industries, Inc. is the parent company of Theodore Sall, Inc., was the parent company of Eastern Diversified Metals Corporation during the time of concern, and arranged for disposal of wastes at the Site.

E. The Respondents are both corporations doing business in the Commonwealth of Pennsylvania.

F. The Site was used by Eastern Diversified Metals Corporation for the separation and removal of plastic, paper and rubber insulating materials from copper and aluminum wire used in the telecommunications and electrical industries. The insulation material removed from the wire was placed in a waste pile at the Site.

G. In 1974, under a Consent Agreement with the Pennsylvania Department of Environmental Resources (PADER), a waste water treatment plant was constructed to treat the leachate produced by the waste pile. Leachate diversion ditches, a surface water diversion ditch and a groundwater interceptor were also installed (See Exhibit 2).

H. After the construction of the Site's wastewater treatment plant, sludge from the wastewater treatment process was placed on the waste pile. The placing of sludge onto the pile continued until March, 1983.

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I. Numerous compounds, which may present a human health threat from direct contact, ingestion and inhalation are present in the leachate and in the soils that the leachate flows over on the Site. Among these compounds are polychlorinated biphenyl 1260, phenols, 1,2-dichlorobenzene and bis-2-ethyl hexyl phthalate.

J. Exposure to polychlorinated biphenyls (PCBs) may cause microsomal enzyme induction, porphrogenic effects, estrogenic activity, and suppression of immunity systems. PCBs accumulate in fatty tissues causing long-term effects and are suspected carcinogenic materials.

K. Phenol has a marked corrosive effect on any tissue. Severe burns or systemic damage may occur. Exposure of humans to phenol may cause vomiting, difficulty in swallowing, diarrhea, lack of appetite, headache, fainting, dizziness, mental disturbances and liver damage.

L. 1,2-dichlorobenzene causes eye, nose and throat irritation, headache, eye swelling, nausea, liver damage, yellow jaundice, anorexia, hepatic necrosis, cirrhosis and death, given sufficient exposure.

M. Bis-2-ethyl hexyl phthalate is a known human carcinogen. Inhalation of this compound may cause irritated eyes and mucus membranes. Prolonged contact with the skin may cause nausea and diarrhea. Target organs for this compound are the eyes, upper respiratory system and gastrointestinal tract.

N. The Site was proposed for inclusion on the National Priorities List by the Environmental Protection Agency in June 1986.

O. No structures, devices or other measures exist to restrict access to the site. Evidence of recreational use of the Site (camp fire ashes, bicycle tracks) was observed by EPA's Technical Assistance Team (TAT) in June 1987.

#### IV. EPA's CONCLUSIONS OF LAW

EPA concludes that:

A. The Site is a facility as defined in Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

B. The Respondents are persons as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

C. The chemical compounds present in the leachate and sediments at the Site are hazardous substances as defined in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

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D. The presence of hazardous substances at the Site and the migration and potential migration of hazardous substances constitutes an actual and/or threatened release as defined in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).

E. The Respondents are responsible parties pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

#### V. EPA's DETERMINATIONS

Based on the Findings of Fact and Conclusions of Law set out above, EPA has determined that:

A. The actual and/or threatened release of hazardous substances from the Site into the environment may present an imminent and substantial endangerment to the public health or welfare or the environment.

B. The actions required by this Order are necessary to protect the public health or welfare or the environment.

#### VI. WORK TO BE PERFORMED

A. Respondents shall commence the installation of a security fence, gates and warning signs sufficient to prevent access to the Site by unauthorized persons, within 48 hours of receipt of the signed Order by the Respondents. The installation must be completed within ten (10) business days. The fence must be at least a six-foot high chain link fence topped by 3 strands of barbed wire. The fence must surround the waste pile, the groundwater interceptor ditch, the holding lagoon, the emergency catch basin and the leachate diversion ditch. Rectangular signs, a minimum size of three (3) feet by five (5) feet, indicating "Caution, Hazardous Materials, No Trespassing" must be posted along the fence every 200 feet. Vehicular and/or pedestrian gates must be installed as needed to allow access to the Site and/or the wastewater treatment plant area.

B. All work performed pursuant to this Order shall be under the direction and supervision of qualified personnel. Should the Respondents choose to utilize a contractor or subcontractor to perform any portion of the work required by this Order, Respondents shall notify EPA of the identity of the contractor or subcontractor prior to the initiation of any work. EPA specifically reserves the right to disapprove of the contractor or subcontractor chosen. In the case of disapproval, Respondents will notify EPA of the identity of the substitute contractor

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or subcontractor within five (5) days and shall obtain EPA approval of the same prior to initiation of any work pursuant to this Order.

#### VII. NOTICE TO THE STATE

Notice of issuance of this Order has been given to the Commonwealth of Pennsylvania, pursuant to Section 106(a) of CERCLA, 42 U.S.C. § 9606(a).

#### VIII. DESIGNATED PROJECT COORDINATORS

Respondents must designate a Project Coordinator within 48 hours of the effective date of this Order who shall be responsible for overseeing the implementation of this Order. The EPA designated Project Coordinator is:

Kathleen Doyle Siftar  
EPA Region III (3HW14)  
841 Chestnut Building  
Philadelphia, Pa 19107

The EPA and the Respondents each have the right to change their respective Project Coordinator. Such a change shall be accomplished by notifying the other party in writing at least five (5) calendar days prior to the change. To the maximum extent possible, communications between the Respondents and EPA and all documents, including reports, approvals and other correspondence, concerning the activities performed pursuant to the terms and conditions of this Order, shall be directed through the Project Coordinators.

#### IX. RECORD PRESERVATION

The Respondents shall preserve, during the pendency of this Order and for a minimum of six (6) years after its termination, all records and documents in their possession which relate in any way to the work performed hereunder, despite any document retention policy to the contrary. After the expiration of this period, Respondents shall notify EPA prior to destruction of any such records or documents. Upon request by EPA, the Respondents shall make available to EPA such records or copies of any such records.

#### X. RESERVATION OF RIGHTS

EPA expressly reserves all rights and defenses including but not limited to the right to: seek monetary penalties for any violation of law or this Order; issue additional Orders under CERCLA Section 106(a); take necessary response actions under Section 104(a) of CERCLA, as amended, 42 U.S.C. § 9604(a) and/or bring a civil action under Section 106(a) of CERCLA, as amended, 42 U.S.C. § 9606(a) and/or Section 107 of CERCLA, as amended 42 U.S.C. § 9607 and any other applicable Federal law.

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#### XI. ACCESS

Respondents shall permit EPA and its employees, agents, contractors or other authorized persons to have access to the Site, as provided below, for any of the following reasons:

A. to enter and freely move about those portions of the Site where the work has been, is being or will be conducted by the Respondents pursuant to this Order, at all reasonable times, including, but not limited to, any time that work is being carried out pursuant to this Order, for the purpose of observing the implementation of activities undertaken in accordance with this Order;

B. to verify, at all reasonable times, the data submitted to EPA by the Respondents concerning such implementation;

C. to perform response actions EPA determines are necessary;

D. to inspect and copy, at all reasonable times, all records, documents and other writings, including all sampling and monitoring data, in any way pertaining to work undertaken pursuant to this Order;

E. to obtain representative and/or split samples, at all reasonable times, for hazardous substances testing and evaluation.

#### XII. OTHER CLAIMS

Nothing in this Order shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership, or corporation for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from this Site.

This Order does not constitute any decision on preauthorization of funds under Section 111(a)(2) of CERCLA as amended, 42 U.S.C. § 9611(a)(2).

#### XIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to this Order shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations.

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#### XIV. EFFECTIVE DATE AND SUBSEQUENT MODIFICATION

The effective date of this Order shall be the date on which it is received by the Respondents.

Any reports, plans, specifications, schedules and attachments required by this Order are, upon approval by EPA, incorporated into this Order. Any noncompliance with such EPA approved reports, plans, specifications, schedules, and attachments shall be considered a failure to achieve the requirements of this Order.

No informal advice, guidance, suggestion, or comment by EPA regarding reports, plans, specifications, schedules, and any other writing submitted by the Respondents will be construed as relieving the Respondents of their obligation to obtain such formal approval as may be required by this Order.

#### XV. PARTIES BOUND

No change in ownership or corporate or partnership status relating to the Site will in any way alter the status of the Respondents or in any way alter the Respondents' responsibility under this Order. The Respondents will remain the Respondents under this Order and will be responsible for carrying out all activities required of the Respondents under this Order.

#### XVI. PENALTIES FOR NON-COMPLIANCE

Respondents are advised that willful violation by failure or refusal to comply with this Order, or any provision thereof, may subject the Respondents pursuant to Section 106(b), 42 U.S.C. § 9606(b), to a civil penalty of not more than \$25,000 for each day in which such violation occurs or such failure to comply continues. Failure to comply with this Order, or any portion thereof, without sufficient cause, may subject Respondents, pursuant to Section 107(c)(3) of CERCLA, 42 U.S.C. § 9607(c)(3), to liability for punitive damages in an amount up to three times the amount of any costs incurred by the government as a result of failure by Respondents to take proper action.

#### XVII. REQUEST FOR CONFERENCE

Respondents may, within 24 hours of receipt of the signed order, orally contact EPA to request a conference to discuss the terms of

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this Order. Respondents shall submit written confirmation of any such request within 24 hours of such request. A request for a conference shall not, however, stay this Order.

#### XVIII. TERMINATION AND SATISFACTION

The provisions of this Order shall be deemed satisfied and this Order shall terminate when EPA determines that the work required of Respondents has been satisfactorily completed, and Respondents have been so notified by EPA in writing.

IT IS SO ORDERED:

BY: 

U.S. Environmental Protection Agency  
Stanley L. Laskowski  
Deputy Regional Administrator

8/7/87  
Date

I acknowledge that I have received and read this Order and hereby inform EPA of my intention to fully comply with the Order's terms and requirements.

I waive any rights I may have to petition for reimbursement of costs pursuant to Section 106(b) of CERCLA, 42 U.S.C. § 9606(b).

For Diversified Industries, Inc.:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Title

For Theodore Sall, Inc.:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

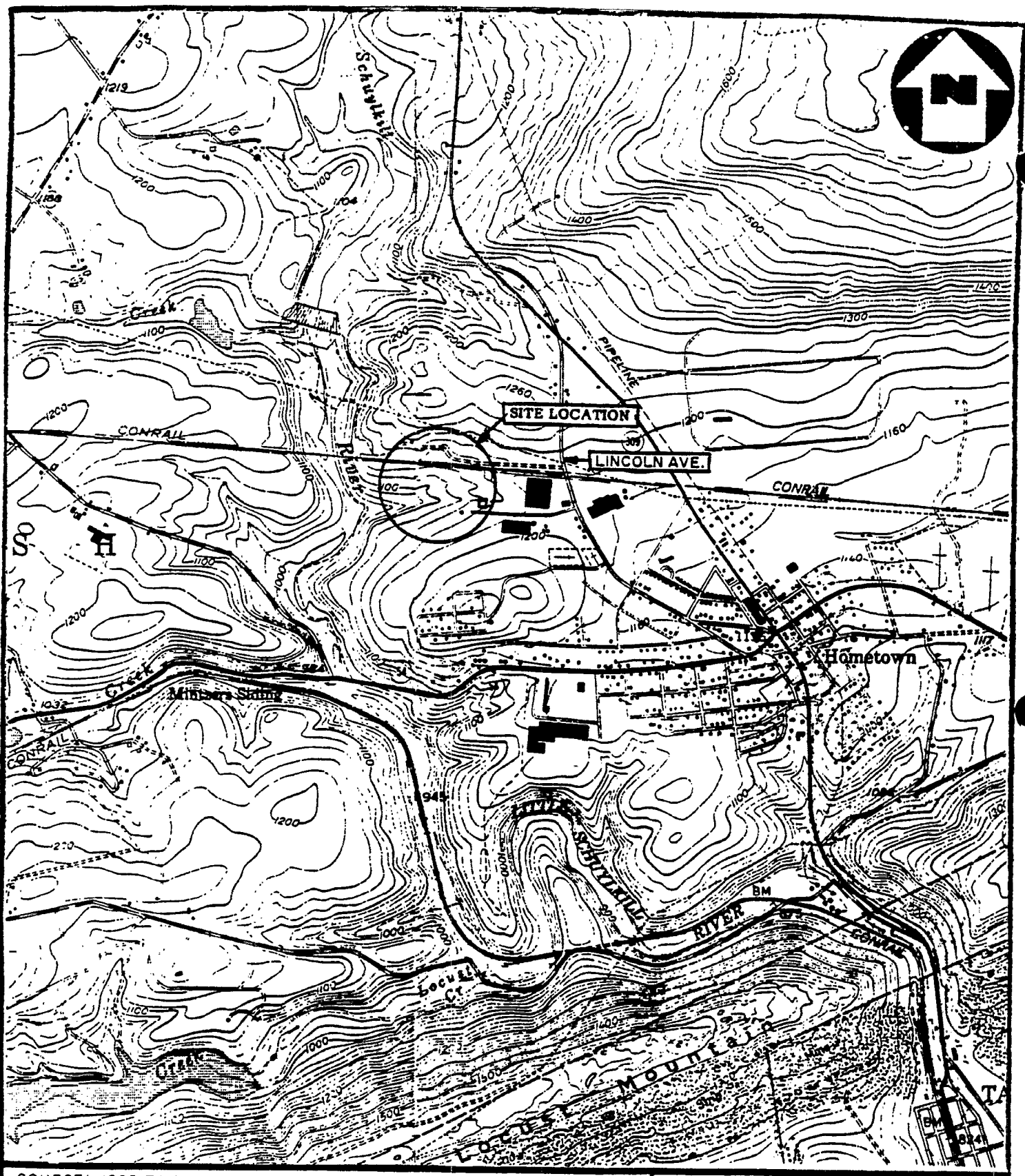
AR400033

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Title

EXHIBIT 1

AR400034



SOURCE: USGS TAMAQUA, PA. QUAD. (7.5 MINUTE SERIES)

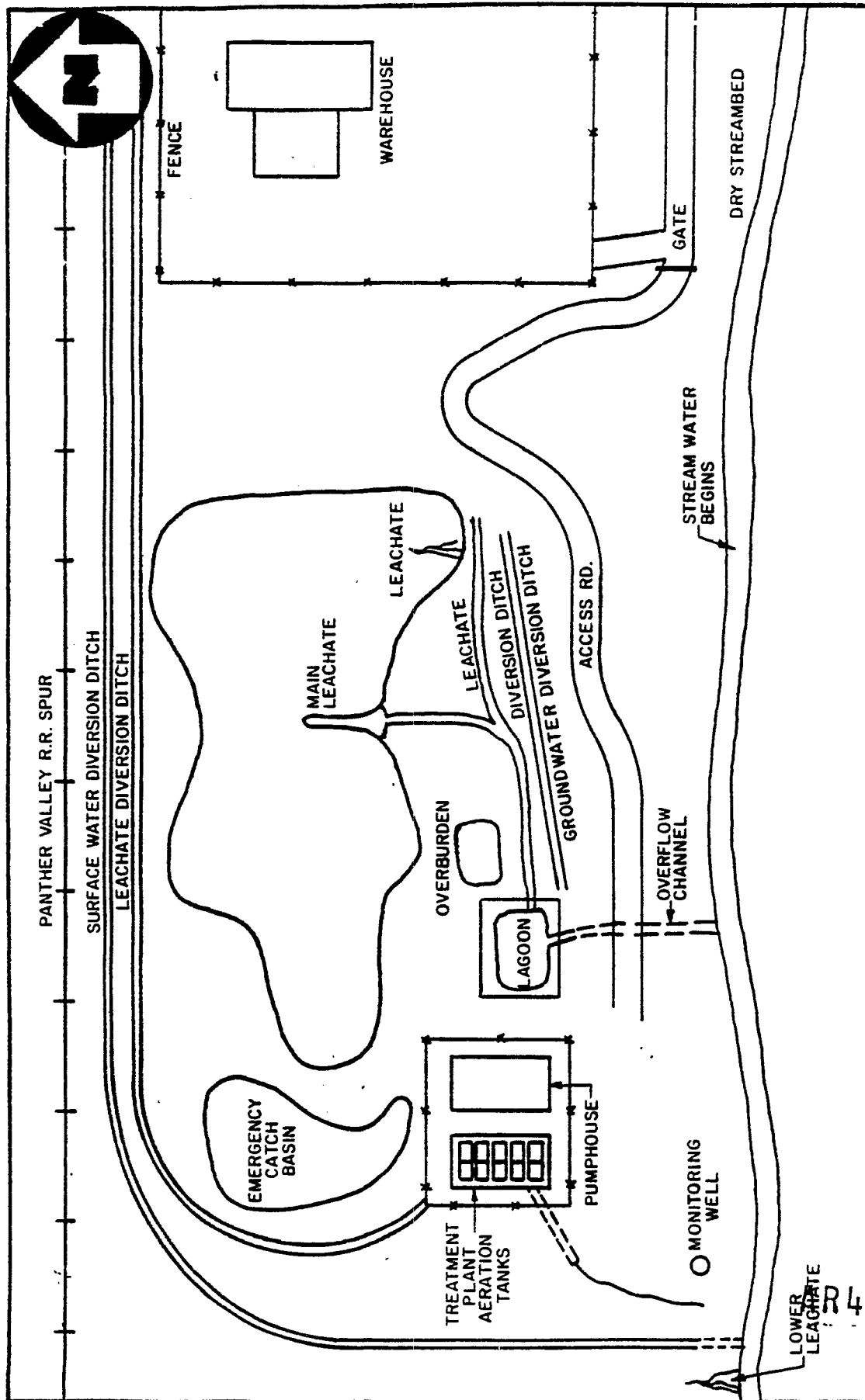
**EASTERN DIVERSIFIED METALS**  
**Site Location Map**  
 ( no scale )

Figure # 1



EXHIBIT 2

AR400036



SITE SKETCH  
EASTERN DIVERSIFIED METALS, HOMETOWN, PA.  
(NO SCALE)

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SENDER: Complete items 1, 2, 3 and 4.  
Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. ☒ Show to whom, date and address of delivery.  
2. ☐ Restricted Delivery.

3. Article Addressed to:

Mr. Don Becker  
PADER Box 2063  
Harrisburg, PA 17120

4. Type of Service:

- ☒ Registered ☐ Insured  
☒ Certified ☐ COD  
☐ Express Mail

Article Number

P-623-965-363

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee

X

6. Signature - Agent

X

7. Date of Delivery

AR400039  
AUG 14 1987

8. Addressee's Address (ONLY if requested and fee paid)

DOMESTIC RETURN RECEIPT

8. Addressee's Address (ONLY if requested and fee paid)

7. Date of Delivery

AR400038

6. Signature - Agent

5. Signature - Addressee

Always obtain signature of addressee or agent and DATE DELIVERED.

- ☐ Registered ☐ Insured  
☒ Certified ☐ COD  
☐ Express Mail

4. Type of Service:

P 623 965 361

Article Number

Mr. Gary Shaffer  
PA DER  
101 Claude A Lord Boulevard  
Pottstown, PA 17901

3. Article Addressed to:

2. ☐ Restricted Delivery.

1. ☒ Show to whom, date and address of delivery.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

PS Form 3811, July 1983 447-845

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. ☒ Show to whom, date and address of delivery.  
2. ☐ Restricted Delivery.

3. Article Addressed to:

Richard J. Boller  
Haverhill Industries Inc.  
101 S. Main St. Suite 7450  
Clayton, Missouri 63105

4. Type of Service:

- ☐ Registered ☐ Insured  
☒ Certified ☐ COD  
☐ Express Mail

Article Number

P-623-965-369

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee

X

6. Signature - Agent

X

7. Date of Delivery

8-18-87

8. Addressee's Address (ONLY if requested and fee paid)

101 S HANLEY

DOMESTIC RETURN RECEIPT

8. Addressee's Address (ONLY if requested and fee paid)

7. Date of Delivery

AR400040

6. Signature - Agent

5. Signature - Addressee

Always obtain signature of addressee or agent and DATE DELIVERED.

- ☐ Registered ☐ Insured  
☒ Certified ☐ COD  
☐ Express Mail

4. Type of Service:

623 965 378

Article Number

Leo Paradowski

101 South Hanley Road

Suite 1450

Clayton, Missouri 63105

3. Article Addressed to:

2. ☐ Restricted Delivery.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

PS Form 3811, July 1983 447-845